

~~entrance into the contracts or other obligations~~ after fifteen days from the publication of the notice of intention to issue ~~certificates or enter into contracts or other obligations~~.

6. The board of trustees shall determine if revenues are sufficient to secure the faithful performance of obligations.

Sec. 4. Section 357H.9, Code Supplement 1997, is amended to read as follows:

357H.9 INCREMENTAL PROPERTY TAXES.

The board of trustees shall provide by resolution that taxes levied on the taxable property in a rural improvement zone each year by or for the benefit of the state, city, county, school district, or other taxing district after the effective date of the resolution shall be divided as provided in section 403.19, subsections 1 and 2, in the same manner as if the taxable property in the rural improvement zone was taxable property in an urban renewal area and the resolution was an ordinance within the meaning of those subsections. The taxes received by the board of trustees shall be allocated to, and when collected be paid into, a special fund and may be irrevocably pledged by the trustees to pay the principal of and interest on the certificates ~~issued, contracts, or other obligations approved~~ by the ~~board of~~ trustees to finance or refinance, in whole or in part, an improvement project. As used in this section, "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property located in the rural improvement zone.

Approved May 6, 1998

CHAPTER 1169
SEX OFFENDER REGISTRY
S.F. 2292

AN ACT relating to the sex offender registry and providing for the Act's applicability.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 692A.1, subsection 3, paragraphs a and b, Code Supplement 1997, are amended by striking the paragraphs.

Sec. 2. Section 692A.1, subsection 3, paragraph m, Code Supplement 1997, is amended to read as follows:

~~m. n.~~ An indictable offense committed in another jurisdiction which would constitute an indictable offense under paragraphs "a" through "~~l~~" "m".

Sec. 3. Section 692A.1, subsection 3, Code Supplement 1997, is amended by adding the following new paragraph after paragraph h and by relettering current paragraphs i through l as paragraphs j through m:

NEW PARAGRAPH. i. Incest committed against a minor.

Sec. 4. Section 692A.1, subsection 6, Code Supplement 1997, is amended to read as follows:

6. "Sexually violent offense" means any of the following indictable offenses:
 - a. Sexual abuse as defined under section 709.1.
 - b. Assault with intent to commit sexual abuse in violation of section 709.11.
 - c. Sexual misconduct with offenders in violation of section 709.16.
 - d. ~~Telephone dissemination of obscene materials in violation of section 728.15.~~

- e. ~~Rental or sale of hard-core pornography in violation of section 728.4.~~
 f. ~~Indecent exposure in violation of section 709.9.~~
 g. d. Any of the following offenses, if the offense involves sexual abuse or attempted sexual abuse: murder, attempted murder, kidnapping, false imprisonment, burglary, or manslaughter.
 h. e. A criminal offense committed in another jurisdiction which would constitute an indictable offense under paragraphs "a" through "g" "d" if committed in this state.

Sec. 5. Section 692A.1, Code Supplement 1997, is amended by adding the following new subsections:

- NEW SUBSECTION. 4A. "Other relevant offense" means any of the following offenses:
 a. Telephone dissemination of obscene materials in violation of section 728.15.
 b. Rental or sale of hard-core pornography in violation of section 728.4.
 c. Indecent exposure in violation of section 709.9.
 d. A criminal offense committed in another jurisdiction which would constitute an indictable offense under paragraphs "a" through "c" if committed in this state.

NEW SUBSECTION. 8. "Sexually violent predator" means a person who has been convicted of an offense under the laws of this state or of another state which would qualify the person as a sexually violent predator under the federal Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 108 Stat. 1798.

Sec. 6. Section 692A.2, Code 1997, is amended to read as follows:
 692A.2 PERSONS REQUIRED TO REGISTER.

1. A person who has been convicted of either a criminal offense against a minor, sexual exploitation, an other relevant offense, or a sexually violent offense in this state or in another state, or in a federal, military, tribal, or foreign court, or a person required to register in another state under the state's sex offender registry, shall register as provided in this chapter. A person required to register under this chapter shall, upon a first conviction, register for a period of ten years commencing from as follows:

- a. From the date of placement on probation;
b. From the date of release on parole; or work release;
c. From the date of release as a juvenile from foster care or residential treatment; or,
d. From the date of any other release from custody.

2. If a person is placed on probation, parole, or work release and the probation, parole, or work release is revoked, the ten years shall commence anew upon release from custody. If the person who is required to register under this chapter is incarcerated for a crime which does not require registration under this chapter, the period of registration is tolled until the person is released from incarceration for that crime.

3. A person who is required to register under this chapter shall, upon a second or subsequent conviction, register for the rest of the person's life.

4. A person is not required to register while incarcerated, in foster care, or in a residential treatment program. A person who is convicted, as defined in section 692A.1, of either a criminal offense against a minor or, sexual exploitation, a sexually violent offense, or an other relevant offense as a result of adjudication of delinquency in juvenile court shall not be required to register as required in this chapter if unless the juvenile court finds that the person should not be required to register under this chapter. If a person is placed on probation, parole, or work release and the probation, parole, or work release is revoked, the ten years shall commence anew upon release from custody. If a juvenile is required to register and the court later modifies the order regarding the requirement to register, the court shall immediately notify the department. Convictions of more than one offense which require registration under this chapter but which are prosecuted within a single indictment shall be considered as a single offense for purposes of registration.

5. A person who has been convicted of an offense under the laws of this state or of another state which would qualify the person as a sexually violent predator under the fed-

~~eral Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, shall register as provided in this chapter for an indeterminate period terminating only upon a determination by the sentencing court that registration is no longer required.~~

Sec. 7. Section 692A.3, subsections 2, 3, and 4, Code 1997, are amended to read as follows:

2. A person required to register under this chapter shall, within ten days of changing residence within a county in this state or within ten days of a change in the person's name as a result of marriage, dissolution of marriage, or a legal name change, notify the sheriff of the county in which the person is registered of the change of address, name, and any changes in the person's telephone number in writing on a form provided by the sheriff. The sheriff shall send a copy of the change of address information to the department within three working days of receipt of notice of the address change. The sex offender registry shall maintain and make available information from the registry cross-referenced by name at the time of conviction and by name subsequent to any change.

3. A person required to register under this chapter shall register with the sheriff of a county in which residence has been newly established and notify the sheriff of the county in which the person was registered, within ten days of changing residence to a location outside the county in which the person was registered. Registration shall be in writing on a form provided by the sheriff and shall include the person's change of address and any changes to the person's telephone number or name. The sheriff shall send a copy of the change of address information to the department within three working days of receipt of notice of the address change.

4. A person required to register under this chapter shall notify the sheriff of the county in which the person is registered, within ten days of changing residence to a location outside this state, of the new residence address and any changes in telephone number ~~and shall register in the other state within the ten days, if persons are required to register under the laws of the other state~~ or name. The sheriff shall send a copy of the change of address to the department within three working days of receipt of notice of the address change. The person must register with the registering agency of the other state within ten days of changing residency, if persons are required to register under the laws of the other state. The department or the sheriff of the county in this state in which the person last resided may notify the registering agency in the other state of the registrant's new address, telephone number, or name.

Sec. 8. Section 692A.4, subsection 2, Code 1997, is amended to read as follows:

2. Verification of address for a person who has been convicted of an offense under the laws of this state or of another state which would qualify the person as a sexually violent predator ~~under the federal Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322~~, shall be accomplished in the same manner as in subsection 1, except that the verification shall be done every three months at times established by the department.

Sec. 9. Section 692A.5, subsection 1, paragraph a, Code Supplement 1997, is amended to read as follows:

a. Obtain fingerprints, the social security number, and a photograph of the person if fingerprints and a photograph and the social security number have not already been obtained in connection with the offense that triggers registration. A current photograph ~~may~~ shall also be required. Additional information for a person required to register as a sexually violent predator shall include, but not be limited to, other identifying factors, anticipated future places of residence, offense history, and documentation of any treatment received by the person for a mental abnormality or personality disorder.

Sec. 10. Section 692A.5, subsection 2, unnumbered paragraph 2, Code Supplement 1997, is amended to read as follows:

If the offender refuses to register, the sheriff, warden, or superintendent shall immediately notify a prosecuting attorney in the county in which the offender was convicted or, if the offender no longer resides in that county, in the county in which the offender resides of the refusal to register. The prosecuting attorney ~~may~~ shall bring a contempt of court action against the offender in the county in which the offender was convicted or, if the offender no longer resides in that county, in the county in which the offender resides. An offender who refuses to register ~~may~~ shall be held in contempt and may be incarcerated following the entry of judgment by the court on the contempt action until the offender complies with the registration requirements.

Sec. 11. Section 692A.7, subsection 1, Code 1997, is amended to read as follows:

1. A willful failure to register as required under this chapter is an aggravated misdemeanor for a first offense and a class "D" felony for a second or subsequent offense. However, a person who willfully fails to register as required under this chapter and who commits a criminal offense against a minor, sexual exploitation, an other relevant offense, or a sexually violent offense is guilty of a class "C" felony. Any fine imposed for a second or subsequent offense shall not be suspended. The court shall not defer judgment or sentence for any violation of the registration requirements of this chapter. The willful failure of a person who is on probation, parole, or work release, or any other form of release to register as required under this chapter shall result in the automatic revocation of the person's probation, parole, or work release.

Sec. 12. Section 692A.9, Code 1997, is amended to read as follows:

692A.9 REGISTRATION FORMS.

Registration forms shall be prepared by the department and shall include the registrant's name at the time of conviction and any change of name as a result of marriage, dissolution of marriage, or legal name change, the registrant's social security number, date of birth, the registrant's current address, and, if applicable, the registrant's telephone number. The forms may provide for the reporting of additional relevant information such as, but not limited to, fingerprints and photographs but shall not include information identifying the victim of the crime of which the registrant was convicted. Additional information for persons required to register as a sexually violent predator shall include, but not be limited to, other identifying factors, anticipated future places of residence, offense history, and documentation of any treatment received by the person for mental abnormality or personality disorder. Copies of blank forms shall be available upon request to any person from the sheriff.

Sec. 13. Section 692A.13, subsection 3, Code 1997, is amended to read as follows:

3. The department or a criminal or juvenile justice agency ~~with case specific authorization from the department~~ may release relevant information from the registry ~~regarding a criminal offense against a minor, sexual exploitation, or a sexually violent offense, that is necessary to protect the~~ to members of the general public concerning a specific person who is required to register under this chapter as follows:

a. Any person may contact a sheriff's office or a police department in writing to request information regarding any person required to register. A request for information shall include the name and one or more of the following identifiers pertaining to the person about whom information is sought:

- (1) The person's date of birth.
- (2) The person's social security number.
- (3) The person's address.

b. A county sheriff or a police department shall also provide to any person upon request a list of all registrants in that county who have been classified as "at-risk" in this state.

c. For offenders who have been classified as "at-risk" in this state pursuant to an assessment conducted as provided in subsection 6, the department or a criminal or juvenile justice agency may also release the offender's name, a photograph, locations frequented by the offender, and relevant Iowa criminal history information from the registry to public and

private schools, child day care centers, family day care providers, businesses, and organizations that serve primarily children, women, or vulnerable adults, and neighbors and community groups, or to the public at large. The extent of public disclosure of the information shall be rationally related to the following:

- (1) The level of risk posed by the offender to the community.
- (2) The locations where the offender resides, expects to reside, or is regularly found.
- (3) The needs of the affected community members for information to enhance their individual and collective safety.

d. The department shall provide electronic access to relevant information from the registry pertaining to offenders who are convicted of a criminal offense against a minor, sexual exploitation, an other relevant offense, or a sexually violent offense on or after the effective date of this Act and who have been classified as "at-risk".

Sec. 14. Section 692A.13, subsections 6 and 7, Code 1997, are amended by striking the subsections and inserting in lieu thereof the following:

6. The department of corrections, the department of human services, and the department of public safety shall, in consultation with one another, develop methods and procedures for the assessment of the risk that persons required to register under this chapter pose of reoffending. The department of corrections, in consultation with the department of human services, the department of public safety, and the attorney general, shall adopt rules relating to assessment procedures. The assessment procedures shall include procedures for the sharing of information between the department of corrections, department of human services, and the division of criminal investigation of the department of public safety, as well as the communication of the results of the risk assessment to criminal and juvenile justice agencies. The assignment of responsibility for the assessment of risk shall be as follows:

a. The department of corrections shall perform the assessment of risk for persons who are incarcerated in institutions under the control of the director of the department of corrections, persons who are under the supervision of the department of corrections or a judicial district department of correctional services, and persons who are under the supervision or control of the department of corrections or a judicial district department of correctional services through an interstate compact.

b. The department of human services shall perform the assessment of risk for persons who are confined in institutions under the control of the director of human services, persons who are under the supervision of the department of human services, and persons who are under the supervision or control of the department of human services through an interstate compact.

c. The division of criminal investigation of the department of public safety shall perform the assessment of risk for persons who have moved to Iowa but are not under the supervision of the department of corrections, a judicial district department of correctional services, or the department of human services; federal parolees or probationers; persons who have been released from a county jail but are not under the supervision of the department of corrections, a judicial district department of correctional services, or the department of human services; juveniles who are not incarcerated but who are placed under the supervision of juvenile court services; and persons who are convicted and released by the courts and are not incarcerated or placed under supervision pursuant to the court's sentencing order. Assessments of persons who have moved to Iowa and persons on federal parole or probation shall be performed on an expedited basis if the person was classified as a person with a high degree of likelihood of reoffending by the other jurisdiction or the federal government.

7. By January 1, 1999, the department of corrections, the department of human services, and the division of criminal investigation of the department of public safety shall, in consultation with one another and associations which represent criminal and juvenile justice agencies, develop a model policy for disclosure of information about persons required to register under this chapter to members of the general public. The model policy shall be designed to further the objectives of providing adequate and timely notice to the community

concerning sex offenders who are or will be residing in the community and of assisting community members in developing constructive plans to prepare themselves.

Sec. 15. Section 692A.13, subsection 8, Code 1997, is amended to read as follows:

8. Notwithstanding sections 232.147 through 232.151, records concerning convictions for criminal offenses against a minor, sexual exploitation, other relevant offenses, or sexually violent offenses which are committed by a minor may be released in the same manner as records of convictions of adults.

Sec. 16. NEW SECTION. 692A.16 APPLICABILITY OF CHAPTER.

1. The registration requirements of this chapter shall apply to persons convicted of a criminal offense against a minor, sexual exploitation, an other relevant offense, or a sexually violent offense prior to July 1, 1995, are released* on or after July 1, 1995, who are participating in a work release or institutional work release program on or after July 1, 1995, or who are under parole or probation supervision by a judicial district department of correctional services on or after July 1, 1995.

2. Persons required to register under subsection 1 shall register for a period of ten years commencing with the later of either July 1, 1995, or the date of the person's release from confinement, release on work release or institutional work release, or release on parole or probation. For persons released from confinement, registration shall be initiated by the warden, sheriff, or superintendent in charge of the place of confinement in the same manner as provided in section 692A.5. For persons who are under parole or probation supervision, the person's parole or probation officer shall inform the person of the person's duty to register and shall obtain the registration information from the person as required under section 692A.5.

Sec. 17. Section 901.4, Code 1997, is amended to read as follows:

901.4 PRESENTENCE INVESTIGATION REPORT CONFIDENTIAL.

The presentence investigation report is confidential and the court shall provide safeguards to ensure its confidentiality, including but not limited to sealing the report, which may be opened only by further court order. At least three days prior to the date set for sentencing, the court shall serve all of the presentence investigation report upon the defendant's attorney and the attorney for the state, and the report shall remain confidential except upon court order. However, the court may conceal the identity of the person who provided confidential information. The report of a medical examination or psychological or psychiatric evaluation shall be made available to the attorney for the state and to the defendant upon request. The reports are part of the record but shall be sealed and opened only on order of the court. If the defendant is committed to the custody of the Iowa department of corrections and is not a class "A" felon, a copy of the presentence investigation report shall be forwarded to the director with the order of commitment by the clerk of the district court and to the board of parole at the time of commitment. The defendant or the defendant's attorney may file with the presentence investigation report, a denial or refutation of the allegations, or both, contained in the report. The denial or refutation shall be included in the report. If the person is sentenced for an offense which requires registration under chapter 692A, the court shall release the report to the department which is responsible under section 692A.13 for performing the assessment of risk.

Sec. 18. MEGAN'S LAW COMPLIANCE DETERMINATION. The department of public safety shall submit a request to the United States department of justice for a determination of whether the failure of a state to include as criminal offenses against a minor the offenses of kidnapping or false imprisonment of a minor, committed by someone other than a parent and which do not involve sexual abuse or attempted sexual abuse, will result in a state being found not to be in compliance with the federal Megan's Law amendment to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act specified in section 170101(f) of Pub. L. No. 104-145, 110 Stat. 1345 (codified at 42 U.S.C. §

* The words "who are released" probably intended

14071 (f)). If the department of public safety receives, as a result of the request, an opinion that the failure to include those offenses as criminal offenses against a minor will cause a state to not be in compliance with the federal Megan's Law amendment, the department shall seek an exception to the requirement for inclusion of those offenses and shall report the information regarding the contents of the United States department of justice opinion and any results of the exception request at the commencement of the session of the general assembly which convenes in January of 1999.

Approved May 6, 1998

CHAPTER 1170

CHILD SUPPORT, SPOUSAL SUPPORT, AND RELATED MATTERS

S.F. 2313

AN ACT relating to child support, providing penalties, and providing effective dates.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I STATE DISBURSEMENT UNIT

Section 1. Section 236.10, Code Supplement 1997, is amended to read as follows:
236.10 CONFIDENTIALITY OF RECORDS.

The file in a domestic abuse case shall be sealed by the clerk of court when it is complete and after the time for appeal has expired. However, the clerk shall open the file upon application to and order of the court for good cause shown or upon request of the child support recovery unit. Support payment records, whether maintained by the clerk of the district court or the department of human services, are public records and may be released upon request. However, a payment record shall not include address or location information.

Sec. 2. Section 252B.9, subsection 2, paragraph a, Code Supplement 1997, is amended to read as follows:

a. Payment records of the collection services center which are maintained pursuant to chapter 598 are public records and may be released upon request. Payment records of the clerk of the district court, to which the department has access to meet the requirements of a state disbursement unit, are also public records and may be released upon request. A payment record shall not include address or location information.

Sec. 3. Section 252B.13A, Code Supplement 1997, is amended to read as follows:
252B.13A COLLECTION SERVICES CENTER.

1. The department shall establish within the unit a collection services center for the receipt and disbursement of support payments as defined in section 252D.16 or 598.1 as required for orders by section 252B.14. For purposes of this section, support payments do not include attorney fees, court costs, or property settlements. The center may also receive and disburse surcharges as provided in section 252B.23.

2. a. The collection services center shall meet the requirements for a state disbursement unit pursuant to 42 U.S.C. § 654B, section 252B.14, and this section by October 1, 1999.

b. Prior to October 1, 1999, the department and the judicial department shall enter into a cooperative agreement for implementation of the state disbursement unit requirement. The agreement shall include, but is not limited to, provisions for all of the following: